



*LOS ANGELES DISTRICT*  
*U.S. ARMY CORPS OF ENGINEERS*

**DEPARTMENT OF THE ARMY REGIONAL GENERAL PERMIT NUMBER 54**

**Permittee:** City of Newport Beach, Division of Harbor Resources  
**Permit Number:** Regional General Permit No. 54 (File No. 200501233-DPS)  
**Issuing Office:** Los Angeles District

Note: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

**Project Description:** To conduct 1) repair, minor modification, and in-alignment replacement\* of private, non-commercial docks, floats, piers, and bulkheads (\*but not replacement of bulkheads); 2) minor maintenance dredging under and adjacent to previously authorized private, public, and commercial docks, floats, and piers; and 3) discharge of dredged material at adjacent beach sites (for beach nourishment), at offshore disposal sites (LA-2 or LA-3), or at an approved inland disposal site.

**Project Location:** The proposed work would take place in portions of Newport Bay, within the boundaries shown on the enclosed Figures 2-4 (except for excluded areas as described in special conditions below), in the City of Newport Beach, Orange County, California.

**Permit Conditions:**

**General Conditions:**

1. The time limit for completing the authorized activity ends on November 6, 2011. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer,

you must obtain a modification from this permit from this office, which may require restoration of the area.

3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished with the terms and conditions of your permit.

**Special Conditions:**

I. Overall Special Conditions applicable to all uses of RGP 54:

- a. Annual maintenance dredging is limited to 20,000 cubic yards (CY) of material. Individual dredging projects must be no more than 1000 CY. Individual disposal projects must be no more than 1000 CY.
- b. The applicant must submit a pre-construction notification (PCN) and must receive a signed notice to proceed (NTP) before commencing any work in waters of the U.S.
- c. The City of Newport Beach Tidelands Administrator (aka Harbor Resources Manager) shall be the primary Point of Contact (POC) for applicants seeking authorization under RGP 54 and applications will be screened through this office. Once the POC has determined an application meets the conditions of this permit, the POC will forward the application to the Corps along with a written certification. This certification shall include the following information:
  - i. Certification letter from the City of Newport Beach Tidelands Administrator (aka Harbor Resources Manager) confirming the proposed application meets the terms and conditions of the RGP 54 with special emphasis on the presence or absence of eelgrass (*Zostera marina*).
  - ii. Maps of the project site including location within the harbor, site address, site assessor's parcel number, site latitude and longitude coordinates (e.g., decimal degree format), as well as to-scale drawings of the proposed action (i.e., plan view and cross-section view of proposed activity),

including the boundaries of any proposed sediment dredging and/or disposal work, the location and physical dimensions of any existing docks, floats, piers, pilings and bulkheads and any proposed work thereto requested under this RGP (and general outline of same that is present on adjacent sites), identification of type of construction materials (e.g. concrete, wood (including any chemical treatment) etc.), the location of the bulkhead, project, and pierhead lines, and the general location of any eelgrass beds within or near the work area.

- iii. The proposed area of permanent and temporary impact to waters of the U.S. (in acres or square feet), proposed dredge and/or disposal quantities (in cubic yards), including a detailed estimate of how much material has been dredged from or discharged onto the site through previous activities.
  - iv. Photos (minimum of five) of the beach area and the low tide line (i.e., prior to any work) with special emphasis on any areas of eelgrass.
- d. Annual Reporting: The City of Newport Beach shall submit annual reports for the life of the RGP to the Corps Los Angeles District Regulatory Branch documenting activities authorized under this RGP. Each annual report shall be a cumulative ledger documenting all activities conducted using this reauthorized RGP to date. The annual report shall be submitted by July 1 of each year. Annual reports from the City shall include:
- i. Number and type of structures repaired, modified, or replaced;
  - ii. Summary of dredge operations including;
    - 1. Location (Address) of each dredging operation;
    - 2. Areas and volumes of material dredged (in acres and CY);
    - 3. Disposal location(s) and volumes for each method used (i.e., beach disposal, LA-3, LA-2, or inland site).
  - iii. An estimate of the total acreage of waters of the U.S. impacted for each activity type;
  - iv. Summary of any direct and indirect eelgrass impacts for each activity type, and the eelgrass mitigation completed or in progress (per special condition "e" below);
  - v. An updated, to-scale map showing the locations of all activities conducted using this reauthorized RGP 54 to date.
  - vi. Confirmation of compliance with all special conditions, or a detailed explanation of any special conditions not complied with.
- e. Eelgrass-related requirements: ALL projects proposed for authorization under RGP 54 shall meet the following requirements:
- i. All projects proposed for authorization under RGP 54 must be surveyed for presence of eelgrass within the project footprint and out to thirty (30) feet (ft) in all directions from proposed project footprint;
  - ii. RGP 54 does not apply to work upon any docks, floats, piers, pilings, bulkheads, dredging or beach nourishment projects where eelgrass is found fifteen (15) feet or less (in any direction) from the proposed dredge

- or dredge material disposal footprint or footprint of any repaired, modified or replaced docks, floats, piers, pilings and bulkheads;
- iii. For RGP 54-eligible dredging projects, where the dredged material will not be placed on a an adjacent beach site or in front of an existing bulkhead (i.e., disposal at a designated offshore disposal site), any eelgrass present at the site must be located greater than 15 feet (in any direction) away from the proposed dredge footprint. No further eelgrass-related monitoring conditions apply in this situation provided the survey remains 'valid' in accordance with Section I.e.vi. below;
  - iv. For RGP 54 -eligible dredging projects, where the dredged material will be placed on a beach or in front of an existing bulkhead(s), the following eelgrass monitoring requirements apply:
    - 1. If eelgrass is not present within 30 feet (in any direction) of the proposed dredge or dredge material disposal footprint, no additional eelgrass monitoring requirements apply;
    - 2. If eelgrass is present between 15-30 feet from the proposed dredge material disposal footprint (in any direction), then monitoring of the site for potential eelgrass impacts from disposal operations shall be required. Monitoring shall consist of pre- and post-project transects placed perpendicular to the shoreline and spaced five feet apart which map the eelgrass bed. Enough transects will be used to extend the length of the project footprint. Along each transect, the extent of eelgrass will be measured. Any decrease in eelgrass extent along any transect (pre-project vs. post-project) will constitute an impact. The pre-project transects shall be conducted no sooner than 60 days prior to the start of dredging and the post-project transects shall be conducted no later than 30 days following the completion of dredging.
    - 3. Should the monitoring required in special condition "iv.2" above identify an impact to the mapped eelgrass bed, then mitigation consistent with the provisions of the Southern California Eelgrass Mitigation Policy shall apply. An eelgrass monitoring report will be submitted to the Corps, NMFS, and California Coastal Commission no later than 90 days following completion of dredging. If an impact was detected (as defined above), the report will include a summary of how the Southern California Eelgrass Mitigation Policy will be complied with.
  - v. For RGP 54-eligible dock, float, pier, piling and bulkhead repair, modification or replacement projects, any eelgrass present at the site must be located greater than 15 feet (in any direction) away from the proposed project footprint. No further eelgrass-related monitoring conditions apply in this situation provided the survey remains 'valid' in accordance with Section I.e.vi. below.
  - vi. For purposes of this RGP all eelgrass survey/mapping efforts must be completed during the active growth phase for the vegetation (typically March through October) and shall be valid for a period of 120 days with the exception of surveys completed in August - October. A survey completed in August - October shall be valid until the resumption of

active growth (i.e., March 1). Work may only occur with a valid survey. If the survey expires prior to commencement of work, a new survey shall be required prior to commencement of any work.

- vii. Prior to commencement of any activity authorized under RGP 54, the boundaries of any eelgrass meadow within the general project area shall be marked with buoys so that equipment and vessel operators shall avoid damage to eelgrass meadows;
- viii. Barges and other vessels used for any activity authorized under RGP 54 shall be anchored to avoid encroachment into any eelgrass bed. Barges and other vessels shall avoid transit over any eelgrass meadow to the maximum extent practicable. Where transit over eelgrass beds is unavoidable such transit shall only occur during high tides when grounding and potential damage to eelgrass can be avoided.

- f. Caulerpa-related requirements: ALL projects proposed for authorization under RGP 54 shall meet the following requirements:
  - i. A pre-construction survey of the project area for *Caulerpa taxifolia* (*Caulerpa*) shall be conducted in accordance with the *Caulerpa* Control Protocol (see <http://swr.ucsd.edu/hcd/ccpvl.htm>) not earlier than 90 calendar days prior to planned construction or dredging-related activities and not later than 30 calendar days prior to construction or dredging-related activities. The results of that survey shall be furnished to the Corps, NOAA Fisheries, California Coastal Commission (CCC) and the California Department of Fish and Game (CDFG) at least 15 calendar days prior to initiation of work in navigable waters. In the event that *Caulerpa* is detected within the project area, the Permittee shall not commence work until such time as the infestation has been isolated, treated, and the risk of spread is eliminated as confirmed in writing by the Corps, in consultation with NOAA Fisheries, CCC and CDFG.
- g. To renew RGP 54, the permittee shall submit a report that documents the existing conditions in the project area at least four months prior to the expiration date of the permit. This report shall include new sediment testing data collected in accordance with a new sampling and analysis plan (SAP) approved by the Corps and EPA. If the Corps determines there are no changes in the project area that would warrant further in-depth analysis, RGP 54 would be issued for another 5-year period with minimal environmental review. If there are substantial changes in the project area, RGP 54 could still be reissued; however, the Corps would be required to complete a more substantive environmental review to address the changes in the project area.

II. Repair, minor modification, and in-alignment replacement of private, non-commercial docks, floats, piers, and bulkheads:

- a. All areas within the boundaries shown on Figures 2-4 are eligible for repair, minor modification, and in-alignment replacement of private, non-commercial docks, floats, piers, and bulkheads (see special condition II-b below regarding

bulkheads), including the Rhine Channel, Newport Island, and Promontory Bay areas (Figure 2-3).

- b. This permit does not authorize the installation of new bulkheads, the relocation of bulkheads seaward of their existing alignment, the widening or lengthening of an existing bulkhead, the placement of fill materials seaward of a bulkhead to buttress it against storm surges, the removal of a bulkhead and installation of a longer or wider bulkhead, or the replacement of a bulkhead. Bulkhead work authorized by this permit is limited to bulkhead repairs and minor modifications.
- c. For the purposes of this permit, replacement of piers, docks, gangways, and floating structures (i.e., dock structures) is always in-kind and in the existing alignment, unless an alternative alignment, in compliance with the City of Newport Beach Harbor Resources Department's Harbor Design Criteria, is authorized in writing (via letter or e-mail) by the Corps and CCC. Any change in the scope, materials, configuration, or character of a dock structure is defined as a dock structure modification or repair and is subject to the requirements of Special Condition "II.d" below. For this permit, replacement of dock structures can occur seaward of the U.S. Pierhead Line for those dock structures previously authorized to extend seaward of the U.S. Pierhead Line.
- d. This permit does not authorize modifications or repairs of piers, docks, gangways, or floating structures (i.e., dock structures) that would extend the existing dock structure seaward of the U.S. Pierhead Line. If the existing dock structure extends seaward of the U.S. Pierhead Line prior to proposed repair or modification, the repair or modification shall not be performed or constructed such that any part of the dock structure extends farther seaward of the U.S. Pierhead Line than the original dock structure.
- e. The permitted activity shall not interfere with the right of the public to free navigation on all navigable waters of the United States as defined by 33 C.F.R. Part 329.
- f. Only concrete piles or steel piles with a non-toxic coating may be authorized under this permit. Use of any other type of pile (e.g. Creosote treated pilings) is not authorized under this RGP.
- g. No other modifications or work shall occur to the structure permitted other than those approved by the Corps via issuance of a signed Notice to Proceed (per Special Condition I-b above).
- h. The Permittee shall discharge only clean construction materials suitable for use in the oceanic environment. The Permittee shall ensure no debris, soil, silt, sand, sawdust, rubbish, cement or concrete washings thereof, oil or petroleum products, from construction shall be allowed to enter into or placed where it may be washed by rainfall or runoff into waters of the United States. Upon completion of the project authorized herein, any and all excess material or debris

shall be completely removed from the work area and disposed of in an appropriate upland site.

- i. The Permittee shall notify the Corps of the date of commencement of operations not less than 15 calendar days prior to commencing work, and shall notify the Corps of the date of completion of operations at least five calendar days prior to such completion.
- j. The Permittee shall notify the Commander, Eleventh Coast Guard District, and the Coast Guard Marine Safety Office / Group LA-LB, not less than 14 calendar days prior to commencing work and as project information changes. The notification, either by letter, fax, or e-mail, shall include as a minimum the following information:
  - i. Project description including the type of operation (i.e. dredging, diving, construction, etc).
  - ii. Location of operation, including Latitude / Longitude (NAD 83).
  - iii. Work start and completion dates and the expected duration of operations.
  - iv. Vessels involved in the operation (name, size and type).
  - v. VHF-FM radio frequencies monitored by vessels on scene.
  - vi. Point of contact and 24 hour phone number.
  - vii. Potential hazards to navigation.
  - viii. Chart number for the area of operation.

Addresses:

Commander, 11th Coast Guard District (oan)  
Coast Guard Island, Building 50-3  
Alameda, CA 94501-5100  
ATTN: Local Notice to Mariners  
TEL: (510) 437-2986  
FAX: (510) 437-3423

U.S. Coast Guard  
Marine Safety Office / Group LA-LB  
1001 South Seaside Ave., Bldg 20  
San Pedro, CA 90731  
Attn: Waterways Management  
TEL: (310) 732-2020  
FAX: (310) 732-2029

- k. The Permittee and its contractor(s) shall not remove, relocate, obstruct, willfully damage, make fast to, or interfere with any aids to navigation defined at 33 C.F.R. chapter I, subchapter C, part 66. The Permittee shall ensure its contractor notifies the Eleventh Coast Guard District in writing, with a copy to the Corps, not less than 30 calendar days in advance of operating any equipment adjacent to any aids to navigation which requires relocation or removal. Should any federal aids to navigation be affected by this project, the Permittee shall submit a request, in writing, to the Corps as well as the U.S. Coast Guard, Aids to Navigation office. The Permittee and its contractor are prohibited from relocating or removing any aids to navigation until authorized to do so by the Corps and the U.S. Coast Guard.
- l. Should the Permittee determine the work requires the placement and use of private aids to navigation in navigable waters of the U.S., the Permittee shall submit a request in writing to the Corps as well as the U.S. Coast Guard, Aids to

Navigation office. The Permittee is prohibited from establishing private aids to navigation in navigable waters of the U.S. until authorized to do so by the Corps and the U.S. Coast Guard.

- m. Upon notification to the U.S. Coast Guard as specified in Special Condition 10, the Permittee shall forward a copy of the notification to the Coast Guard Captain of the Port (COTP). The COTP may modify the deployment of marine construction equipment or mooring systems to safeguard navigation during project construction. The Permittee shall direct questions concerning lighting, equipment placement, and mooring to the appropriate COTP.
  - n. Within 30 calendar days of completion of the project authorized by this permit, the Permittee shall conduct a post-project survey indicating changes to structures and other features in navigable waters. The Permittee shall forward a copy of the survey to the Corps and to the National Oceanic and Atmospheric Service for chart updating: Gerald E Wheaton, NOAA, Regional Manager, West Coast and Pacific Ocean, DOD Center Monterey Bay, Room 5082, Seaside, CA 93955-6711.
  - o. The permittee understands and agrees that, if future operations by the United States require the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.
- III. Minor maintenance dredging under and adjacent to previously authorized private, public, and commercial docks, floats, and piers:
- a. For this RGP, the term dredging operations shall mean: navigation of the dredging vessel at the dredging site, excavation of dredged material within the project boundaries, and placement of dredged material into a hopper dredge or disposal barge or scow.
  - b. Under RGP 54, dredging operations would be limited to -7 feet MLLW with a 1 foot allowable overdraft. Discharge of material dredged from below -8 feet below MLLW (dredging design depth plus overdredge depth), which represents the characterization depth, or dredged from outside the project boundaries (as shown on attached drawings 2-4), is not authorized by this permit. If the permittee can demonstrate that a particular location has historically had a design depth below -7 feet MLLW, the Corps may authorize deeper maintenance dredging to a maximum depth of -10 feet MLLW, with one foot maximum of overdredge depth, provided that material is to be disposed in uplands or in an approved confined fill.



- c. In no case will offshore (ocean) or beach disposal be authorized for material dredged below the sediment testing characterization depth (currently -8 MLLW) for any particular site. Any such material must be disposed in uplands or in an approved confined fill. However, the Corps and EPA may approve offshore and/or beach disposal for a particular site if additional sediment testing is conducted to the depth requested (via Corps and EPA-approved SAP) and the material is found to be suitable.
- d. The Rhine Channel, Newport Island, and Promontory Bay areas (Figure 2-3) are not eligible for sediment dredging or disposal operations under this RGP. However, the Corps and EPA may approve sediment dredging or disposal operations under RGP 54 at these locations if additional sediment testing is conducted (via Corps and EPA-approved SAP) and the material is found to be suitable.
- e. Sediments from areas 2, 3, and 4 (see attached drawings) within the proposed RGP 54 area that meet the grain size criteria (at least 75% sand and no more than 10% difference in sand content between dredging and beach disposal sites) are suitable for disposal on beach sites within 1000 feet of dredging operation sites. Sediments dredged from Area 1 would be suitable for beach nourishment with the grain size restrictions above or for offshore disposal, excluding any material dredged from the West Lido Channel (from sediment sampling station 1-3 north to the Lido Bridge) or from within 1000 feet in any direction from sediment sampling station 1-5 (15th Street public pier). In the future, use of sediments for beach nourishment or for offshore disposal in these excluded areas may be authorized by the Corps, pending further sediment analysis.
- f. All of the sediments within the proposed RGP 54 areas 1-4 with 80% or less sand content are suitable for disposal at LA-3.
- g. Dredging operations authorized in this permit shall be limited to the areas with existing authorized docks or bulkheads in Upper and Lower Newport Bay as shown in the attached drawings. No dredging operation is authorized in any other location under this permit. No more than 1000 CY of dredged material is authorized for dredging operations for any individual project (i.e., any single and complete project with independent utility) proposed for authorization under RGP 54. This permit does not authorize the placement or removal of buoys.
- h. The Permittee is prohibited from dredging and disposing material in navigable waters of the U.S. that has not been tested and determined by the Corps, in consultation with the Environmental Protection Agency Region IX (EPA), to be both clean and suitable for beach nourishment. The EPA must expressly approve materials for placement in approved ocean disposal sites. In the case of this RGP, re-testing of previously tested or dredged areas is required after five years from the date of permit issuance. This time limit is subject to shortening given the occurrence of any event that may cause previously determined clean material to become suspect, at the discretion of the Corps. Prior to each dredging episode, the Permittee must demonstrate that the proposed dredged materials are

chemically and physically suitable for disposal in ocean waters according to the provisions of the Inland Testing Manual or Ocean Disposal Manual as appropriate. If the material does not meet the physical and chemical criteria for unconfined disposal in ocean waters, the dredged material shall be disposed in an upland disposal area. The Permittee shall submit to the Corps and EPA a draft sampling and analysis plan (SAP). Sampling may not commence until the SAP is approved, in writing, by the Corps, in consultation with EPA.

- i. At least 15 calendar days before initiation of any dredging operations authorized by this permit, the Permittee shall send a dredging and disposal operations plan to the Corps, EPA, and CCC with the following information:
  - i. A list of the names, addresses and telephone numbers of the Permittee's project manager, the contractor's project manager, the dredging operations inspector, the disposal operations inspector and the captain of each tug boat, hopper dredge or other form of vehicle used to transport dredged material to the designated disposal site.
  - ii. A list of all vessels, major dredging equipment and electronic positioning systems or navigation equipment that will be used for dredging and disposal operations, including the capacity, load level and acceptable operating sea conditions for each hopper dredge or disposal barge or scow to assure compliance with special conditions on dredging and disposal operations.
  - iii. For RGP 54 only: see above for sediment testing requirements.
  - iv. A detailed description of the dredging and disposal operations authorized by this permit. Description of the dredging and disposal operations should include, at a minimum, the following:
    1. Dredging and disposal procedures for the dredged material determined by the Corps and EPA Region IX to be unsuitable for ocean disposal.
    2. Dredging and disposal procedures for the material to be dredged from the proposed site.
    3. A schedule showing when the dredging project is planned to begin and end.
  - v. A predredging bathymetric condition survey, taken within thirty (30) days before the dredging begins. For RGP 54 only, one of two survey methods can be used:
    1. Survey taken via lead line, sounding disc, or sounding pole techniques according to Chapter 8 (Manual Depth Measurement Techniques) from the Corps Engineering and Design - Hydrographic Surveying manual (EM 1110-2-1003, published 01 Jan 2002). Each individual project survey using this method will include a minimum of 3 sounding points (adjusted for tide) per individual dock.
    2. Survey (presented as a large format plan view drawing), taken within thirty (30) days before the dredging begins, accurate to 0.5-foot with the exact location of all soundings clearly defined on the

survey chart. The predredge survey chart shall be prepared showing the following information:

- a. The entire dredging area, the toe and top of all side-slopes and typical cross sections of the dredging areas. To ensure that the entire area is surveyed, the predredge condition survey should cover an area at least 50 feet outside the top of the side-slope or the boundary of the dredging area, unless obstructions are encountered.
  - b. The dredging design depth, overdredge depth and the side-slope ratio.
  - c. The total quantity of dredged material to be removed from the dredging areas and the side-slope areas.
  - d. Areas shallower than the dredging design depth shall be shaded green, areas between the dredging design depth and overdredge depth shall be shaded yellow, and areas below overdredge depth that will not be dredged shall be shaded blue. If these areas are not clearly shown, the Corps may request additional information.
  - e. The predredging survey chart shall be signed by the Permittee to certify that the data are accurate and that the survey was completed within thirty (30) days before the proposed dredging start date.
- vi. A debris management plan to prevent disposal of large debris at all disposal locations. The debris management plan shall include: sources and expected types of debris, debris separation and retrieval methods, and debris disposal methods.

- j. **The Permittee shall not commence individual dredging operations unless and until the Permittee receives a signed Notice to Proceed (NTP) from the Corps.**
- k. The Permittee shall maintain a copy of this RGP 54 and the signed notice to proceed (NTP) on all vessels used to dredge, transport and dispose of dredged material authorized under this permit.
- l. The Permittee shall notify the Commander Eleventh Coast Guard District (USCG), and the Coast Guard Marine Safety Office / Group LA-LB not less than 14 calendar days prior to commencing work and as project information changes. A copy of each notification to the USCG shall be sent to the Corps for our file. The notification, either by letter, fax, or e-mail, shall include as a minimum the following information:
- i. Project description including the type of operation (i.e. dredging, diving, construction, etc).
  - ii. Location of operation, including Latitude / Longitude (NAD 83).
  - iii. Work start and completion dates and the expected duration of operations.
  - iv. Vessels involved in the operation (name, size and type).
  - v. VHF-FM radio frequencies monitored by vessels on scene.
  - vi. Point of contact and 24 hour phone number.
  - vii. Potential hazards to navigation.

viii. Chart number for the area of operation.

Addresses:

Commander, 11th Coast Guard District (oan)  
Coast Guard Island, Building 50-3  
Alameda, CA 94501-5100  
ATTN: Local Notice to Mariners  
TEL: (510) 437-2986  
FAX: (510) 437-3423

U.S. Coast Guard  
Marine Safety Office / Group LA-LB  
1001 South Seaside Ave., Bldg 20  
San Pedro, CA 90731  
Attn: Waterways Management  
TEL: (310) 732-2020  
FAX: (310) 732-2029

- m. The Permittee and its contractor(s) shall not remove, relocate, obstruct, willfully damage, make fast to, or interfere with any aids to navigation defined at 33 C.F.R. chapter I, subchapter C, part 66. The Permittee shall ensure its contractor notifies the USCG in writing, with a copy to the Corps, not less than 30 calendar days in advance of operating any equipment adjacent to any aids to navigation which requires relocation or removal. Should any federal aids to navigation be affected by this project, the Permittee shall submit a request, in writing, to the Corps as well as the USCG, Aids to Navigation office. The Permittee and its contractor(s) are prohibited from relocating or removing any aids to navigation until authorized to do so by the Corps and the U.S. Coast Guard.
- n. Should the Permittee determine the work requires the placement and use of private aids to navigation in navigable waters of the U.S., the Permittee shall submit a request in writing to the Corps as well as the U.S. Coast Guard, Aids to Navigation office. The Permittee is prohibited from establishing private aids to navigation in navigable waters of the U.S. until authorized to do so by the Corps and the USCG.
- o. The Permittee shall notify the Commander, Eleventh Coast Guard District, and the Coast Guard Marine Safety Office / Group LA-LB, not less than 14 calendar days prior to commencing work and as project information changes. The notification, either by letter, fax, or e-mail, shall include as a minimum the following information.
- p. The Permittee shall ensure that the captain of any hopper dredge, tug or other vessel used in the dredging and disposal operations, is a licensed operator under USCG regulations and follows the Inland and Ocean Rules of Navigation or the USCG Vessel Traffic Control Service. All such vessels, hopper dredges or disposal barges or scows, shall have the proper day shapes, operating marine band radio, and other appropriate navigational aids.
- q. The Permittee's contractor(s) and the captain of any dredge covered by this permit shall monitor VHF-FM channels 13 and 16 while conducting dredging operations.
- r. Upon request, the Permittee and its contractor(s) shall allow inspectors from the Corps, EPA, and(or) the USCG to inspect all phases of the dredging and disposal operations.

- s. Upon request, the Permittee and its contractor(s) retained to perform work authorized by the permit or to monitor compliance with this permit shall make available to inspectors from the Corps, EPA, and(or) the USCG the following: dredging and disposal operations inspectors' logs, the vessel track plots and all disposal vessel logs or records, any analyses of the characteristics of dredged material, or any other documents related to dredging and disposal operations.
- t. The permitted activity shall not interfere with the public's right to free navigation on all navigable waters of the United States.
- u. If a violation of any permit condition occurs, the violation shall be reported by the Permittee to the Corps within twenty-four (24) hours. If the Permittee retains any contractors to perform any activity authorized by this permit, the Permittee shall instruct all such contractors that notice of any violations must be reported to the Permittee immediately.
- v. When using a hopper dredge, water flowing through the weirs shall not exceed 10 minutes during dredging operations. The level that a hopper dredge can be filled shall not exceed the load line to prevent any dredged material or water from spilling over the sides at the dredging site or during transit from the dredging site to the disposal site. No hopper dredge shall be filled above this predetermined level. Before each hopper dredge is transported to the disposal site, the dredging site inspector shall certify that it is filled correctly.
- w. When using a disposal barge or scow, no water shall be allowed to flow over the sides. The level that a disposal barge or scow can be filled shall not exceed the load line to prevent any dredged material or water from spilling over the sides at the dredging site. No disposal barge or scow shall be filled above this predetermined level. Before each disposal barge or scow is transported to the disposal site, the dredging site inspector shall certify that it is filled correctly.
- x. The Permittee shall use an electronic positioning system to navigate at the dredging site. The electronic positioning system shall have a minimum accuracy and precision of +/- 10 feet (3 meters). If the electronic positioning system fails or navigation problems are detected, all dredging operations shall cease until the failure or navigation problems are corrected. Any navigation problems and corrective measures shall be described in the post-dredging completion report per Special Condition 21.
- y. The Permittee shall submit a post-dredging completion report to the Corps within 30 calendar days after completion of each dredging project to document compliance with all general and special conditions defined in this permit. The report shall include all information collected by the Permittee, the dredging operations inspector and the disposal operations inspector or the disposal vessel captain as required by the special conditions of this permit. The report shall indicate whether all general and special permit conditions were met. Any

violations of the permit shall be explained in detail. The report shall further include the following information:

- i. Permit and project number.
- ii. Start date and completion date of dredging and disposal operations.
- iii. Total cubic yards disposed at the authorized disposal site(s).
- iv. Mode of dredging.
- v. Mode of transportation.
- vi. Form of dredged material.
- vii. Frequency of disposal and plots of all trips to the authorized disposal site(s).
- viii. Tug boat or other disposal vessel logs documenting contact with the USCG before each trip to the authorized ocean disposal site.
- ix. Percent sand, silt and clay in dredged material: for RGP 54 only, see sediment testing requirements above.
- x. A certified report from the dredging site inspector indicating all general and special permit conditions were met. Any violations of the permit shall be explained in detail.
- xi. Pre-dredging hydrographic survey (per special condition III-g-v above).
- xii. A detailed post-dredging hydrographic survey of the dredging area. The survey shall show areas above the dredging design depth shaded green, areas between the dredging design depth and overdredge depth shaded yellow, areas below overdredged depth that were not dredged or areas that were deeper than the overdredge depth before the project began as indicated on the predredging survey shaded blue, and areas dredged below the overdredge depth or outside the project boundaries shaded red. The methods used to prepare the post-dredging survey shall be the same methods used in the predredging condition survey. The survey shall be signed by the Permittee certifying that the data are accurate.
- xiii. The post-dredging report shall be signed by a duly authorized representative of the Permittee. The Permittee's representative shall make the following certification: *I certify under penalty of law that this document and all attachments were prepared under my direction or supervision. The information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.*

IV. Offshore (ocean) disposal of dredged material:

- a. All of the sediments within the proposed RGP 54 areas 1-4 with 80% or less sand content are suitable for disposal at LA-3 with the following exceptions. The Rhine Channel, Newport Island, and Promontory Bay areas (Figure 2-3) are not eligible for sediment dredging or disposal operations under this RGP. Sediments dredged from the West Lido Channel (from sediment sampling station 1-3 north to the Lido Bridge) or from within 1000 feet in any direction from sediment sampling station 1-5 (15th Street public pier) are not authorized for beach disposal or for offshore disposal under this RGP. However, the Corps and EPA may approve sediment dredging or disposal operations under RGP 54 at these

locations if additional sediment testing is conducted (via Corps and EPA-approved SAP) and the material is found to be suitable.

- b. For this permit, the term **ocean disposal operations** shall mean: the transportation of dredged material from the dredging site to the LA-3 ocean disposal site, proper disposal of dredged material at the central disposal area within the LA-3 ocean disposal site, and transportation of the hopper dredge or disposal barge or scow back to the dredging site.
- c. The ocean disposal site are demarcated as circles with the center coordinates and radii listed below:

LA-2: 33 degrees 37.10 minutes North Latitude, 118 degrees 17.40 minutes West Latitude (NAD 1983), circular site with radius of 3,000 feet.

LA-3: (coordinates of the soon-to-be permanently designated site, effective October 2005): 33 degrees 31.00 minutes North Latitude, 117 degrees 53.50 minutes West Longitude (NAD 1983), circular site with radius of 3,000 feet.

LA-5: 32 degrees 36.83 minutes North Latitude, 117 degrees 20.67 minutes West Longitude (NAD 1927), circular site with radius of 3,000 feet.

- d. In no case will offshore (ocean) or beach disposal be authorized for material dredged below the sediment testing characterization depth (currently -8 MLLW) for any particular site. Any such material must be disposed in uplands or in an approved confined fill. However, the Corps and EPA may approve offshore and/or beach disposal for a particular site if additional sediment testing is conducted to the depth requested (via Corps and EPA-approved SAP) and the material is found to be suitable.
- e. No more than 1000 cubic yards of dredged material excavated for an individual dredging project authorized under RGP 54 are authorized for disposal at either the LA-2 or LA-3 ocean disposal site.
- f. Prior to commencement of any ocean disposal operations, the Permittee shall submit a Scow Certification Checklist to EPA and the Corps for review and approval. The Scow Certification Checklist shall document: the amount of material dredged and loaded into each barge for disposal; the location from which the material in each barge was dredged; the weather report for and sea-state conditions anticipated during the transit period; the time that each disposal vessel is expected to depart for, arrive at and return from the ocean disposal site.
- g. The Permittee shall notify the USCG by radio on VHF-FM channel 16 or by telephone at least four (4) hours before departing for each disposal site. The notification shall include:
  - i. Name of Permittee.
  - ii. Corps permit number.

- iii. Name and identification of vessels (tug boat, hopper dredged or disposal barge or scow) employed in the disposal operation.
  - iv. Loading location of the material to be disposed.
  - v. Material to be disposed.
  - vi. Time of departure from the dredging site.
  - vii. Estimated time of arrival at the ocean disposal site and estimated time of departure from the ocean disposal site.
  - viii. Estimated time of arrival at dredging site after the disposal operation is completed.
- h. The Permittee shall ensure dredged material is not leaked or spilled from the disposal vessel(s) during transit to the ocean disposal site. The Permittee shall transport dredged material to the ocean disposal site only when weather and sea state conditions will not interfere with safe transportation and will not create risk of spillage, leak or other loss of dredged material during transit. No disposal vessel trips shall be initiated when the National Weather Service has issued a gale warning for local waters during the time period necessary to complete disposal operations.
- i. When dredged material is discharged by the Permittee at the ocean disposal site, no portion of the vessel from which the materials are to be released (e.g. hopper dredge or towed barge) may be further than 1,000 feet (305 meters) from the center of the disposal site (the "surface disposal zone" or "SDZ").
- j. No more than one disposal vessel may be present within the ocean disposal site SDZ at any time.
- k. The captain of any tug boat or other vessel covered by this permit shall monitor VHF-FM channel 16 while conducting disposal operations.
- l. The primary disposal tracking system for recording ocean disposal operations data shall be disposal vessel- (e.g., scow-) based. An appropriate Global Positioning System (GPS) shall be used to indicate the position of the disposal vessel with a minimum accuracy of 10 feet during all transportation and disposal operations. This primary disposal tracking system must indicate and automatically record both the position and the draft of the disposal vessel at a maximum 1-minute interval while outside the ocean disposal site boundary, and at a maximum 15-second interval while inside the ocean disposal site boundary. This system must also indicate and record the time and location of each disposal event (e.g., the discharge phase). Finally, the primary system must include a real-time display, in the wheelhouse or otherwise for the helmsman, of the position of the disposal vessel relative to the boundaries of the ocean disposal site and its SDZ, superimposed on the appropriate National Oceanic Service navigational chart, so that the operator can confirm proper position within the SDZ before disposing the dredged material.
- m. Data recorded from the primary disposal tracking system must be posted by a third party contractor on a near-real time basis to a World Wide Web (Internet)



site accessible at a minimum by EPA, the Corps, the Permittee, the prime dredging contractor, and any independent inspector. The Internet site shall be provided to the Corps and EPA prior to commencement of disposal operations. The Internet site must be searchable by disposal trip number and date, and at a minimum for each disposal trip it must provide a visual display of: the disposal vessel transit route to the ocean disposal site; the beginning and ending locations of the disposal event; and the disposal vessel draft throughout the transit. The requirement for posting this information on the Internet is independent from the hard-copy reporting requirements listed in Special Condition 14 below. The third-party system must also generate and distribute "e-mail alerts" regarding any degree of apparent dumping outside the SDZ of the ocean disposal site, and regarding any apparent substantial leakage/spillage or other loss of material en route to the ocean disposal site. Substantial leakage/spillage or other loss for this permit is defined as an apparent loss of draft of one foot or more between the time that the disposal vessel begins the trip to the ocean disposal site and the time of actual disposal. E-mail alerts for any disposal trip must be sent within 24 hours of the end of that trip, at a minimum to EPA, the Corps, the Permittee, and the prime dredging contractor.

- n. If the primary disposal tracking system fails during transit to the ocean disposal site, the navigation system on the towing vessel (tug, if any), meeting the minimum accuracy requirement listed above, may be used to complete the disposal trip by maneuvering the towing vessel so that, given the compass heading and tow cable length to the scow (Alay back@), the estimated scow position would be within the SDZ of the ocean disposal site. In such cases, the towing vessel's position, and the tow cable length and compass heading to the disposal vessel, must be recorded and reported. The Permittee shall halt further disposal operations using a disposal vessel whose navigation tracking system fails until those primary disposal tracking capabilities are restored.
- o. The Permittee shall report any anticipated, potential, or actual variances from compliance with the general and special conditions of this permit, to EPA and the Corps within 24 hours of discovering such a situation. An operational "e-mail alert" system, as described in Special Condition 11 above, will be considered as fulfilling this 24-hour notification requirement. In addition, the Permittee shall prepare and submit a detailed report of any such compliance problems with the monthly hard-copy reports described below.
- p. The Permittee shall collect, for each ocean disposal trip, both automatically-recorded electronic data and printouts from the primary disposal tracking system showing transit routes, disposal vessel draft readings, disposal coordinates, and the time and position of the disposal vessel when dumping was commenced and completed. These daily records shall be compiled, and provided in reports to both EPA and the Corps at a minimum for each month during which ocean disposal operations occur. These reports shall include the automatically-recorded electronic navigation tracking and disposal vessel draft data on CD-ROM (or other media approved by EPA and the Corps), as well as hard copy reproductions of the Scow Certification Checklists and printouts listed

above. The reports shall also include a cover letter describing any problems complying with the general and special conditions of this permit, the cause(s) of the problems, any steps taken to rectify the problems, and whether the problems occurred on subsequent disposal trips.

- q. Following the completion of ocean disposal operations, the Permittee shall submit to EPA and the Corps a completion letter summarizing the total number of disposal trips and the overall (in-situ) volume of material disposed at the ocean disposal site for the project, and whether any of this dredged material was excavated from outside the areas authorized for ocean disposal or was dredged deeper than authorized by the permit.

V. Beach disposal (beach nourishment):

- a. The Rhine Channel, Newport Island, and Promontory Bay areas (Figure 2-3) are not eligible for sediment dredging or disposal operations under this RGP. However, the Corps and EPA may approve sediment dredging or disposal operations under RGP 54 at these locations if additional sediment testing is conducted (via Corps and EPA-approved SAP) and the material is found to be suitable.
- b. Material dredged under RGP 54 is only authorized for beach disposal on to beach sites located within 1000 feet of the authorized dredge site.
- c. In no case will offshore (ocean) or beach disposal be authorized for material dredged below the sediment testing characterization depth (currently -8 MLLW) for any particular site. Any such material must be disposed in uplands or in an approved confined fill. However, the Corps and EPA may approve offshore and/or beach disposal for a particular site if additional sediment testing is conducted to the depth requested (via Corps and EPA-approved SAP) and the material is found to be suitable.
- d. Sediments from areas 2, 3, and 4 (see attached drawings) within the proposed RGP 54 area that meet the grain size criteria (at least 75% sand and no more than 10% difference in sand content between dredging and beach disposal sites) are suitable for disposal on beach sites within 1000 feet of dredging operation sites. Sediments dredged from Area 1 would be suitable for beach nourishment with the grain size restrictions above or for offshore disposal, excluding any material dredged from the West Lido Channel (from sediment sampling station 1-3 north to the Lido Bridge) or from within 1000 feet in any direction from sediment sampling station 1-5 (15th Street public pier). In the future, use of sediments for beach nourishment or for offshore disposal in these excluded areas may be authorized by the Corps, pending further sediment analysis.
- e. A detailed description of the transport and discharge operations authorized by this permit will be submitted to the Corps at least 15 calendar days prior to work in waters of the U.S. Description of the transport and discharge operations should include, at a minimum, the following:

- i. Transport and discharge procedures for all sediment, including all material unsuitable for beach nourishment discharge.
  - ii. A schedule showing when the beach nourishment project is planned to begin and end.
  - iii. A debris management plan to prevent disposal of large debris at all beach discharge locations. The debris management plan shall include: sources and expected types of debris, debris separation and retrieval methods, and debris disposal methods.
  - iv. The plan shall include the volume of material to be excavated and discharged.
  - v. The plan shall list previous discharges by site, date, and volume, as well as the total volume of material which has been excavated and discharged to date, using this Regional General Permit.
- f. **The Permittee shall not commence individual beach disposal operations unless and until the Permittee receives a signed Notice to Proceed (NTP) from the Corps.**
- g. If a violation of any permit condition occurs during discharge operations, the Permittee shall report such violations to the Corps within twenty-four (24) hours after the violation occurs. If the permittee retains any contractors to perform any activity authorized by this permit or to monitor compliance with this permit, the Permittee shall instruct all such contractors that notice of any permit violations must be provided to the Permittee immediately so the Permittee can report the violation as required.
- h. The permittee shall maintain a copy of this permit on all vehicles used to transport and discharge of fill material authorized under this permit.
- i. The permittee shall send one (1) copy of a beach disposal post-discharge report to the Los Angeles District's Regulatory Branch documenting compliance with all general and special conditions defined in this permit. The post-discharge report shall be sent within 30 calendar days after completion of the discharge operations authorized in this permit. The report shall indicate whether all general and special permit conditions were met. Any violations of the permit shall be explained in detail. The report shall include:
  - i. Corps permit number.
  - ii. Identify source of material.
  - iii. Total cubic yards disposed at each beach disposal site.
  - iv. Modes of transportation and discharge.
  - v. Actual start date and completion date of transport and discharge operations.
- j. The Permittee shall implement all appropriate, standard Best Management Practices to ensure that toxic materials, silt, debris, or excessive eroded materials do not enter waters of the U.S. due to beach nourishment operations.

- k. The applicant will establish a safety flag perimeter of the beach nourishment area during disposal activities, and monitor the premises to protect the general public from construction hazards and equipment.
- l. No maintenance, storage, or fueling of heavy tracked equipment or vehicles will occur within 500 feet of the high tide line of waters of the U.S.

VI. Inland disposal:

- a. If neither beach disposal nor offshore disposal are available for an individual project proposed under this RGP, an inland disposal site may be utilized, if approved by the Corps.

VII. Mitigation:

- a. This RGP does not authorize significant impacts to aquatic resources. Based on any relevant information, the Corps will determine if impacts to aquatic resources have occurred and if mitigation is required. Any required mitigation would be the responsibility of the Permittee and failure to implement Corps-specified mitigation could result in enforcement proceedings. Any impacts to eelgrass would be mitigated according to special condition I-e-iv-3 above.

**Further Information:**

1. Congressional Authorities. You have been authorized to undertake the activity described above pursuant to:

(X)Section 10 of the River and Harbor Act of 1899 (33 U.S.C. 403).

(X)Section 404 of the Clean Water Act (33 U.S.C. 1344).

(X)Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

- a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.
- b. This permit does not grant any property rights or exclusive privileges.
- c. This permit does not authorize any injury to the property or rights of others.
- d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

- a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
  - b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
  - c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
  - d. Design or construction deficiencies associated with the permitted work.
  - e. Damage claims associated with any future modification, suspension, or revocation of this permit.
4. Reliance on Applicant's Data. The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.
5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:
- a. You fail to comply with the terms and conditions of this permit.
  - b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).
  - c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measure ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give you favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

Tom Rossmiller  
PERMITTEE

10-23-06  
DATE

Tom Rossmiller, Harbor Resources Manager

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

Daniel P. Swenson  
Daniel P. Swenson  
Senior Project Manager  
South Coast Section  
Regulatory Branch

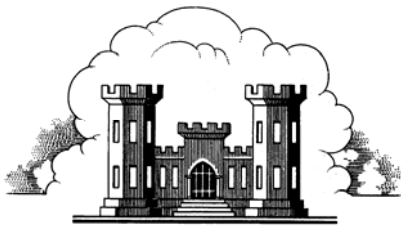
11/6/06  
DATE

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

\_\_\_\_\_  
TRANSFeree

\_\_\_\_\_  
DATE [LAD1]

[LAD2]



*LOS ANGELES DISTRICT  
U.S. ARMY CORPS OF ENGINEERS*

## **CERTIFICATION OF COMPLIANCE WITH**

**Permit Number:** Regional General Permit No. 54 (File No. 200501233-DPS)

**Name of Permittee:** City of Newport Beach Division of Harbor Resources

**Date of Issuance:** November 6, 2011

Upon completion of the activity authorized by this permit, sign this certification and return it to the following address:

Regulatory Branch - Los Angeles District Office  
ATTN: CESPL-CO-R-200501233-DPS  
P.O. Box 532711  
Los Angeles, California 90053-2325

Please note that your permitted activity is subject to a compliance inspection by an Army Corps of Engineers representative. If you fail to comply with this permit you may be subject to permit suspension, modification, or revocation.

I hereby certify that the work authorized by the above referenced permit has been completed in accordance with the terms and conditions of said permit.

\_\_\_\_\_  
Signature of Permittee

\_\_\_\_\_  
Date

# Newport Bay Vicinity Map







## RGP - 54 Renewal

### 2006 External Project Boundary Limits West Portion of Lower Newport Bay

City Hall

Lido Isle

RGP applies to docks but not to  
dredging in this area

Newport Pier

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# RGP – 54 Renewal

## 2006 External Project Boundary Limits

### East Portion of Lower Newport Bay

RGP applies to docks but  
not to dredging in this area

Balboa Island

Balboa Pier



0 1667ft





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## RGP-54 Renewal

2006 External Project Boundary Limits  
Developed Portion of Upper Newport Bay

